



United States Department of the Interior
FISH AND WILDLIFE SERVICE

Eastern Idaho Field Office
4425 Burley Dr., Suite A
Chubbuck, Idaho 83202
Telephone (208) 237-6975
<http://www.fws.gov/idaho>



To: Field Manager, Salmon Field Office,
Bureau of Land Management, Salmon, Idaho

OCT 13 2011

From: *for* Field Supervisor, Eastern Idaho Field Office,
Fish and Wildlife Service, Chubbuck, Idaho

Don Z

Subject: Effects from Grazing on Hawley Creek Grazing Allotment, in Lemhi County, Idaho –
Concurrence
In Reply Refer To: 14420-2011-I-0342

Internal Use 1005.3000

This memorandum responds to the Bureau of Land Management's (BLM) request for Fish and Wildlife Service (Service) concurrence on effects of the subject project to species and habitats listed under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.; [Act]). The BLM's request dated September 16, 2011, and received September 19, 2011, included a biological assessment entitled *Biological Assessment for BLM Actions in the Canyon to Big Timber Watershed Assessment Area* (Assessment), dated September 2011. Since April 2010 the Service has coordinated with the BLM on this Assessment including reviews of drafts. The BLM batched multiple grazing actions in the Assessment for efficient presentation with the subject project being one of those batched actions. Through the Assessment, the BLM determined that the subject project may affect, but is not likely to adversely affect bull trout (*Salvelinus confluentus*), and its designated critical habitat. Under the Act, bull trout is listed as a threatened species, and has critical habitat designated. Therefore, the Service's concurrence under section 7 of the Act has been requested.

The Service concurs with the BLM's determination, and the Service's rationale is presented below. Information contained in the Assessment is herein incorporated by reference. For clarity, the Service is issuing separate concurrence letters for each individual Allotment from the batched Assessment.

The BLM also made a determination that the proposed action will have no effect to Canada lynx (*Lynx canadensis*). We acknowledge your No Effect determination, but regulations implementing section 7 of the Act do not require the Service to review or concur with no effect determinations; therefore the Service will not address them further. However, we do appreciate you informing us of your determination for this listed species even if not required to do so under the Act.

Previous Consultation

This Allotment was part of a previously batched consultation in 1999, and again in 2003 (Assessment, p. 13). Both times the BLM determined that effects to bull trout fit within the may affect, but not likely to adversely affect category. Both times the Service concurred with that determination (Assessment, p. 13).

Proposed Action

The action is continued authorization of grazing approximately 7,300 acres through two permits with approximately 7 cattle from June 1 through October 1, 141 cattle from May 15 through June 30, and

193 cattle from September 15 through October 31 for a total of 468 Animal Unit Months (Assessment, p. 106). The Allotment is organized into two pastures; Hawley Creek and Eighteenmile (Assessment, p. 108). Crossing permits can be applied for on an annual basis, but crossing permits would be restricted to a maximum of 350 cattle (for cattle not associated with the Hawley Creek Allotment) at one time and cattle would not be left on the allotment overnight (Assessment, p. 107). A maximum of 1800 cattle would be allowed to cross the allotment in a year. Cattle crossing would be authorized only in the Hawley Creek Pasture, and would have access to two corrals at the mouth of Hawley Creek Canyon to sort cattle (Assessment, p. 107).

Species and Designated Critical Habitat Distribution in the Project Area

There are two prominent streams in the allotment; approximately 1 mile of Eighteenmile and 4.3 miles of Hawley Creek (Assessment, p. 105). Only 1.3 miles of Hawley Creek actively flows during the grazing season, the rest is diverted for irrigation leaving a dry channel (Assessment, p. 105). A complete barrier at the lower end of Hawley Creek prevents fish from entering the allotment from further downstream (Assessment, p. 105). The portion of stream that flows during grazing is in good condition (Assessment, p. 109). Eighteenmile Creek is broken into three segments on the Allotment with two being in good condition, but the other segment, though improving, is considered functioning at risk¹ because it lacks sinuosity, instream cover, and high quality vegetation (Assessment, p. 109). This condition is largely due to a long history of irrigation withdrawals and historic (not recent) grazing management (Assessment, p. 109).

Hawley and Eighteenmile Creeks are occupied by bull trout near their headwaters, but not within the Allotment (Assessment, p. 112). Bull trout are not known to inhabit the un-diverted segment of Hawley Creek within the Allotment, or segments of Eighteenmile Creek (Assessment, p. 112).

There is no designated critical habitat in any of the streams within the Allotment (Assessment, p. 114) however; the Lemhi River downstream of the Allotment is designated critical habitat, under the Act, for bull trout. Critical habitat is proposed in those areas the Service believes have habitat components necessary for conservation of bull trout. The habitat component of importance in the Lemhi River is largely its ability to provide for bull trout movement to tributaries, and as an area to overwinter.

Potential Impacts of Grazing in Fish and Riparian Habitats

In general, grazing on rangelands has potential to impact fish and fish habitat by trampling redds, impacting stream temperature through reduction in plant shading, reducing complex bank structures by shearing overhanging banks, and increasing sediment in stream gravel through bank degradation (Assessment, pp. 29-42). Impacts can be reduced to a point where their effect to bull trout is insignificant by using move triggers, management of cattle with fences, active removal of cattle from riparian areas, and exclusion of livestock from spawning areas during spawning.

Effects from the Proposed Action

Specifically for this proposed action, those segments of Hawley and Eighteenmile Creeks in the Allotment are not known to be occupied by bull trout (Assessment, p. 114). A large portion of Hawley Creek on the Allotment is in poor condition due to years of dewatering for irrigation

1 The nomenclature for describing the degree of functionality for various habitat characteristics originates from a document referred to as the "U.S. Fish and Wildlife Matrix" (1998). It is a framework developed to assist in the process of making effects determinations by providing some consistency in describing baseline conditions in the action area. Baseline condition alone does not determine the category of effects determination for the proposed action.

(Assessment, p. 109). The BLM has included a wide array of permit terms and conditions, monitoring, and adaptive management techniques to limit impacts to upland and riparian habitats on this Allotment (Assessment, pp. 106-107). The aggregated effect of these actions and circumstances led the BLM to determine that any remaining effects to bull trout and their habitat, including important habitat components of critical habitat downstream in the Lemhi River, are likely to be insignificant (Assessment, p. 114).

Concurrence

Based on Service review of the Assessment, we concur with the BLM's determination that the project outlined in the Assessment and this memorandum, may affect but is not likely to adversely affect bull trout. This concurrence is based on the condition of bull trout habitat within the Allotment, bull trout distribution, project design, and protective measures included as part of the proposal that reduce impacts of grazing to bull trout and its occupied habitat to an insignificant level. We also concur with the determination that the proposed action is not likely to adversely affect designated critical habitat, because the grazing strategy and protective measures included as part of the proposal reduce the scale of impacts such that they are unlikely to affect designated critical habitat downstream.

This concludes informal consultation. Further consultation pursuant to section 7(a) (2) of the Act is not required. Reinitiation of consultation on this action may be necessary if new information reveals effects of the action that may affect listed species or designated habitat in a manner or to an extent not considered in the assessment, the action is subsequently modified in a manner that causes an effect to listed species that was not considered in the analysis, or a new species is listed or critical habitat is designated that may be affected by the proposed action.

Thank you for your continued interest in the conservation of endangered, threatened, and proposed species. If you have any questions regarding this consultation, please contact Doug Laye of this office at (208) 237-6975.

cc: BLM, Challis (Feldhausen and Trapani)
NOAA, Boise (Mabe)
NOAA, Salmon (Murphy and Fealko)
IDFG, Salmon (Schmidt, Curet)